

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**COLUMBIA GAS TRANSMISSION, LLC, )**  
**)**  
**Plaintiff, )**  
**)**  
**v. ) Case No.: 2:16-cv-01223**  
**)**  
**691.73 ACRES OF LAND MORE OR )**  
**LESS IN CLAY AND KANAWHA )**  
**COUNTIES, WEST VIRGINIA, QS )**  
**COAL, INC., et al., )**  
**)**  
**Defendants. )**

## **CONSENT MOTION FOR ENTRY OF ORDER DETERMINING JUST COMPENSATION**

COME NOW Plaintiff Columbia Gas Transmission, LLC (“**Columbia**”) and Defendants JASF Energy, LLC (“**JASF**”), QS Coal, Inc. (“**QS Coal**”), and D H M Corporation, a/k/a DHM Corporation, a/k/a D.H.M. Corporation (“**DHM**,” and collectively with Columbia, JASF and QS Coal, the “**Parties**”),<sup>1</sup> by and through counsel, and jointly move this Court for Entry of Order Determining Compensation. The Parties state as follows:

1. On February 1, 2016, Columbia filed its Complaint for Condemnation [ECF Doc. 1] (“Complaint”).
2. On December 1, 2016, the Court entered a Memorandum Opinion & Order [ECF Doc. 102] granting partial summary judgment and declaring that the rights-of-way and easements described in Complaint **Exhibit A-1** through **Exhibit A-7** [ECF Docs. 1-1 through 1-7] (the “**Easements**”) be and stand condemned.
3. The only matter remaining at issue in this Action is, accordingly, the determination of just compensation.

<sup>1</sup> The Parties constitute all remaining active, interested litigants in this condemnation matter.

4. On January 30, 2017, upon the conclusion of a Pretrial/Status Conference at which the Parties appeared by and through the undersigned Counsel, this Court entered its Order [ECF Doc. 114] retiring the instant Action from the Court's active docket in light of the agreed upon settlement of the Action as advised by the Parties.

5. The Parties hereby affirm that they have stipulated and agreed that just compensation for the Easements equals \$50,000 (“**Just Compensation Award**”).

6. The Parties respectfully request that this Court enter its Order approving the Just Compensation Award.

7. Within five (5) business days of the requested Court's approval of the Just Compensation Award, Columbia shall pay the Just Compensation Award to JASF, QS Coal and DHM, jointly and severally, whereupon the Parties shall file with this Court their joint Motion affirming same, the form of which is appended hereto as Exhibit B together with their agreed proposed Order Vesting Title in Columbia and Dismissing the Action, the proposed form of which is appended hereto as Exhibit C.

WHEREFORE, the Parties respectfully request that this Court enter its Order consistent herewith, a proposed form of which is appended hereto as Exhibit A.

Respectfully submitted,

/s/ David M. Fedder

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**CERTIFICATE OF SERVICE**

I certify that on the 15th day of February, 2017, a true and accurate copy of the foregoing document was sent via U.S. Mail, First-Class, postage prepaid to:

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/s/Stephen F. Gandee  
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